

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	1:12CR80-1
	:	
v.	:	
	:	
SHAWN IRA DAY	:	FACTUAL BASIS

NOW COMES the United States of America, by and through Ripley Rand, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

SHAWN IRA DAY was a guidance counselor, assistant varsity football coach, and girls' soccer coach at West Montgomery High School in Troy, North Carolina. On January 17, 2012, a student reported to administrators that her friend, hereinafter identified as "MCCV1" (who was born in May, 1997) was in an inappropriate relationship with DAY. The reporting student said MCCV1 had DAY'S phone number in her cell under the name "Under Armour." School personnel looked at MCCV1's cell phone, saw the ID "Under Armour," and confirmed it was in fact DAY'S phone number. DAY is from the state of New York, and his number has a New York area code. School personnel called DAY in to ask him about the allegations, and then told DAY to go home for the rest of the school day. Hours later, school personnel notified law enforcement, and in a subsequent statement, MCCV1 admitted to text correspondence with DAY, which was sexual in nature. A

forensic review of MCCV1's phone showed text correspondence between DAY and MCCV1, between November 26, 2011, and January 16, 2012. Many of the texts messages involve DAY persuading, inducing and enticing MCCV1 to engage in sexual activity, in explicit detail. Some of the messages were sent while DAY was in New York, and MCCV1 was in North Carolina, during the school's Christmas/New Year's break. The content of the messages, as inducements, enticements and persuasion to engage in sexual activity, had the potential for DAY to be charged with indecent liberties with a child (N.C.G.S. § 14-202.1), sex offense with a student (N.C.G.S. § 14-27.7(b)), and statutory sexual offense of person who is 13, 14, or 15 years old (N.C.G.S. § 14-27.7A(a)).

A sexual act between DAY and MCCV1 did occur, in DAY'S office during school hours.

This the 1st day of March, 2012.

Respectfully submitted,

RIPLEY RAND
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2012, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, and I hereby certify that the document was e-mailed to the following:

Eddie H. Meacham, Esq.

Respectfully submitted,

RIPLEY RAND
UNITED STATES ATTORNEY

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